

150 1646

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dudek et al.

Serial No: 09/977,864

Filed: October 15, 2001

For: Hedgehog Antagonists, Methods and
Uses Related Thereto

Attorney Docket No. CIBT-P01-104

Art Unit: 1646

Examiner: Z. Howard

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below:

September 12, 2005

Date of Signature
and of Mail Deposit


Ginny Brundell

MS Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO RESTRICTION REQUIREMENT

Sir:

In reply to the outstanding Restriction Requirement, mailed August 11, 2005, in connection with the above application, Applicants hereby elect with traverse Group I, claims 1-9, 17, 18, and 21-22 drawn to a method of inhibiting unwanted growth, proliferation, or survival of a cell expressing a gli gene. Applicants elect this invention with traverse because the inventions of Groups I and II are directed to overlapping subject matter. Although the inventions of Groups I and II are classified in different subclasses, Applicants contend that searches of the inventions of Groups I and II are co-extensive. Accordingly, Applicants respectfully submit that the inventions of Groups I and II can be examined simultaneously without significant additional burden. Thus, Applicants respectfully request that the inventions of Groups I and II be rejoined, and that prosecution on the merits proceed for claims 1-13 and 17-22.

Although not directly relevant to the present election, Applicants note for the record that the inventions of Groups III and IV are classified in the same class and subclass. Accordingly,

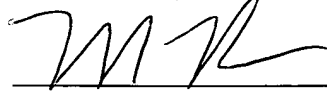
the inventions of Groups III and IV could be examined simultaneously without undue burden, and should be rejoined. However, given Applicants' election with traverse of Group I, further action by the Examiner with respect to the inventions of Groups III and IV does not influence the present application.

The Restriction Requirement additionally contained a species election. Applicants hereby elect, for search purposes only, the following species: colon cancer and hedgehog antibodies. Applicants respectfully remind the Examiner that upon allowance of a generic claim, all claims properly dependent thereon must be considered. MPEP 809.02(c)

CONCLUSION

Claims 1-22 constitute the pending claims in the present application. Applicants elect with traverse Group I. If any clarification of the above response would facilitate prosecution of this application, Applicants respectfully request that the Examiner contact the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945, under Order No. CIBT-P01-104.**

Respectfully Submitted,



Melissa S. Rones
Reg. No. 54,408

Date: September 12, 2005

Customer No: 28120
Docketing Specialist
Ropes & Gray LLP
One International Place
Boston, MA 02110
Phone: 617-951-7000
Fax: 617-951-7050